

Georgia State Board of Funeral Service  
Minutes  
March 13, 2007

**Public Hearing:**

A public hearing was held at 9:30 a.m. on March 13, 2007, at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA. The purpose of the public hearing was to provide opportunity to interested parties to present verbal or written comments on the proposed amendments to Rule 250-6-.06. Two amendments were proposed for sections 250-6-.06 (1) and 250-6-.06 (2) (r). Verbal comments were presented by representatives of the Georgia Funeral Service Practitioners Association (GFSPA), which included Thomas F. Cuffie, attorney for the GFSPA; Floyd Griffin; Roger Young; Willie Mays; Starr Perdue; and Clayborn Edwards. Verbal comments were also presented by Alysia McDonald, who represented the Georgia Funeral Directors Association (GFDA).

In addition to comments concerning the proposed amendments, Willie Mays stated his opposition to the current rule mandating certain hours that a funeral establishment must be open for inspection. Floyd Griffin stated his personal opposition to the proposed amendment to 250-6-.06 (2) (r), stating that the amendment goes further than the intent of the law requiring identification of a deceased body prior to interment. He stated his opposition to the requirement to identify a deceased body prior to placing the body in a shipping container. Ms. Linda Ware, Board member, stated her opposition to the amount of the fine for violation of the requirement in the proposed amendment to 250-6-.06 (2) (r).

David Roach, Board member, discussed HB 299 and a meeting he attended with Lauren McDonald, Board member; Secretary of State Karen Handel; Representative Billy Mitchell; and Representative Roger Williams concerning the bill and the Board's proposed amendments. During the meeting, agreement was reached on a compromise to the amendment to 250-6-.06 (1) that will allow one hour for a closed establishment to respond to an inspection visit. A further stipulation was made that the rule amendment will specifically require an employee of the establishment to make the establishment available for inspection. Representatives Mitchell and Williams agreed to pull the bill from consideration, since the Board representatives agreed to make the changes to the amendment. Mr. Roach explained that making the changes requested will involve the Board voting against the proposed amendment to 250-6-.06 (1) during the Board meeting today, and voting to repost an amendment to insert the changes.

After hearing all comments, the hearing was closed at 10:45 a.m., and the scheduled Board meeting was convened.

A meeting of the Georgia State Board of Funeral Service was held at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA, on March 13, 2007. Chairman Draper Watson called the meeting to order in Open Session at 10:50 a.m.

A quorum was established with the following Board members present being: Draper Watson, Chair; David Roach, Vice-Chair; Thelon Hamby; Terri Daviston; Lauren McDonald; Nancy Kennedy; and Linda Ware.

Others present were: Steve Lindsey, Executive Director; JoAnn Lyde, Application Specialist; Maria Stephenson, Investigative Assistant; John Massey, Inspector; Howard Fields, Inspector; and Reagan Dean, Assistant Attorney General.

### **Approval of Minutes:**

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to approve the minutes of the February 13, 2007 meeting.

### **Rule Amendments:**

Mr. Roach moved, Mrs. Kennedy seconded, and the Board unanimously voted against adoption of the amendment to Board Rule 250-6-.06 (1).

Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to adopt the amendment to Board Rule 250-6-.06 (2) (r), with Ms. Ware opposing.

### **250-6-.06 Funeral Establishment Inspections; Fines.**

(1) A representative of the Board shall regularly inspect establishments between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be open during these hours for inspection. The fine for a violation of this subsection shall \$500.00.

(2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

(a) All outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be \$50.00.

(b) All embalming rooms shall be equipped with the following:

1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00.
2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be \$200.00.
3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00.
4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00.
5. a sink with drain opening and non porous sanitary cover into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00.

(c) In addition each embalming room shall be equipped with a separate sink for disinfecting of hands and instruments. The fine for a violation under this subsection shall be \$50.00.

(d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00.

(e) Each embalming room shall contain instruments and supplies for the separation and embalming of dead bodies. Instruments and equipment must consist of the following:

1. at least one scalpel; the fine for a violation of this subsection shall be \$50.00.
2. at least two aneurysm needles; the fine for a violation of this subsection shall be \$50.00.
3. at least two canulas; the fine for a violation of this subsection shall be \$50.00.
4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00.
5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00.
6. suture; the fine for a violation of this subsection shall be \$50.00.
7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00.
8. trocar; the fine for a violation of this subsection shall be \$50.00.
9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00.
10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.

(f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00.

(g) An establishment must maintain on the premises a display room containing a minimum of 8 adult caskets. The fine for a violation under this subsection shall be \$200.00 \$100.00 per casket short of the minimum.

(h) Seating for at least 30 persons shall be maintained in the room where funeral services are conducted in the establishment. The fine for a violation under this subsection shall be \$100.00.

(i) One operable motor hearse and/or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains which must be maintained at each establishment. The fine for a violation under this subsection shall be

\$100.00.

(j) One church truck. The fine for a violation of this subsection shall be \$50.00.

(k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00.

(l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00.

(m) An establishment must have at least one sanitary rest room facility. The fine for a violation of this subsection shall be \$200.00.

(n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities.

(o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times.

(p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time such arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:

1. The price of the service that the person or persons has selected and what is included therein;
2. the price of each of the supplemental items of service and merchandise requested;
3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.

(i) The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.

(q) A current biennial renewal license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed.

(r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by OCGA 43-18-8, tags and/or labels must be attached to the deceased human body in the funeral establishment at the time the body is dressed and/or placed in the casket &/or shipping container, or prior to leaving the funeral establishment to go to the crematory. The fine for failure to comply fully with the requirements of this subsection shall be \$100 per occurrence.

Mr. Hamby further moved, Mr. Roach seconded, and the Board voted unanimously that the formulation and adoption of this proposed rule amendment does not impose excessive regulatory costs on any licensee or entity and any cost to comply with the proposed rule amendment could not be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-18-2, 43-18-8, 43-18-23, 43-18-46, 43-18-75, and 43-18-76.

Mr. Hamby further moved, Mr. Roach seconded, and the Board voted unanimously that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-18-2, 43-18-8, 43-18-23, 43-18-46, 43-18-75, and 43-18-76 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D), and the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

Mr. Hamby moved, Ms. Ware seconded, and the Board voted to request the inspectors to notify the FDFCC's of the establishments in their territories of the newly adopted amendment to Rule 250-6-.06 (2) (r).

Mr. Roach moved, Mr. McDonald seconded, and the Board voted to post the following amendment to Rule 250-6-.06 (1), with Ms. Ware opposing:

### **250-6-.06 Funeral Establishment Inspections; Fines.**

(1) A representative of the Board shall regularly inspect establishments between the hours of ~~8:00~~ 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be ~~open~~ available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board. The fine for a violation of this subsection shall \$500.00.

(2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

(a) All outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be \$50.00.

(b) All embalming rooms shall be equipped with the following:

1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00.

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3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00.

4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00.

5. a sink with drain opening and non porous sanitary cover into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00.

(c) In addition each embalming room shall be equipped with a separate sink for disinfecting of hands and instruments. The fine for a violation under this subsection shall be \$50.00.

(d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00.

(e) Each embalming room shall contain instruments and supplies for the separation and embalming of dead bodies. Instruments and equipment must consist of the following:

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3. at least two canulas; the fine for a violation of this subsection shall be \$50.00.

4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00.

5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00.

6. suture; the fine for a violation of this subsection shall be \$50.00.

7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00.

8. trocar; the fine for a violation of this subsection shall be \$50.00.

9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00.

10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.

(f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00.

(g) An establishment must maintain on the premises a display room containing a minimum of 8 adult caskets. The fine for a violation under this subsection shall be \$200.00 per casket short of the minimum.

(h) Seating for at least 30 persons shall be maintained in the room where funeral services are conducted in the establishment. The fine for a violation under this subsection shall be \$100.00.

(i) One operable motor hearse and/or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains which must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00.

- (j) One church truck. The fine for a violation of this subsection shall be \$50.00.
- (k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00.
- (l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00.
- (m) An establishment must have at least one sanitary rest room facility. The fine for a violation of this subsection shall be \$200.00.
- (n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities.
- (o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times.
- (p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time such arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:
1. The price of the service that the person or persons has selected and what is included therein;
  2. the price of each of the supplemental items of service and merchandise requested;
  3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
- (i) The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current biennial renewal license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed.

### **Executive Session:**

Mr. Hamby moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by OCGA §§ 43-1-2 (k) and 43-1-19 (h). Mr. McDonald seconded the motion. The motion was carried by Ms. Ware, Mrs. Kennedy, Mr. Daviston, Mr. Hamby, Mr. McDonald, and Mr. Watson. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

### **Applications:**

Kimberly Spain did not appear for her scheduled appointment with the Board.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to table consideration of the application presented for RAM, pending receipt of further requested information.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to deny the application presented for Kisha Nevada Germany.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to table the application presented for LK, pending receipt of further information.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to approve the application presented to reinstate the funeral director and embalmer licenses of Randall Lee Kimbro.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to uphold the previous vote to deny the reinstatement application presented for Dan Westbrook.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to uphold the previous vote to deny the application presented for Robert Holland.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to approve the following as Funeral Director in Full and Continuous Charge:

Brian Lee Watson	H. M. Patterson & Son Oglethorpe Hill Chapel, FEST000415
Susan Ross Waters	Carter Funeral Chapel, FEST001302
Dennis Ingram	Colonnade Crematory of Georgia, CREM00066
Teddy Lee Davidson	H.M. Patterson & Son, Inc, Spring Hill Chapel, FEST000018
Bradford Joe Bailey	Caldwell & Cowan Funeral Home, Inc., FEST000068
Angela Marie Owens	National Cremation Society Crematory, CREM000043

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to table the application for change of Funeral Director in Full & Continuous Charge for SSFH, pending receipt of a correct application.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to approve the change of name and location presented for Terry's Funeral Home, 507 West Price Street, Sylvester, GA. The former name and location was Sammie Fields Funeral Home, 101 South Isabella Street, Sylvester, GA.

### **Complaints:**

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to accept the Consent Order for Registration signed by Clarence Javon Boston and close the case.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to accept the Consent Order for Registration signed by Melvin Lee McCall and close the case.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to accept the Consent Order and fine presented for Lord & Stephens Oglethorpe Chapel and close the case.



Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to close the following cases:

FUN020050  
FUN070043  
FUN070049  
FUN070050

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to close FUN070051 and refer the case to the Securities Division.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to refer the following cases to Enforcement:

FUN070052  
FUN070053

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to refer FUN030017 to the Attorney General's Office for legal advice on Board options.

**Inspection Reports:**

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to accept the Orders Accepting Fine Monies and Settling Inspection Citations on the following establishments:

Tri-Cities Funeral Home  
Speer & Speer Funeral Home  
Lowndes & McLane Funeral Home  
Wise Funeral Home

**Continuing Education:**

Mr. Roach moved, Mr. Hamby seconded, and the Board voted to approve the following continuing education courses presented:

Epsilon Nu Delta Mortuary Fraternity, Inc	
Dodge Institute for Advanced Mortuary Studies	
NFDA	
NFDA -2007 Professional Women's Conference	
NFDA-Seminars, Embalming, Reconstructive Surgery and Airbrushing Techniques	
Independent Funeral Directors of Georgia – Round table Discussion	2 Hours

British Institute of Embalmers of N.A.	
Selected Independent Funeral Homes-2007 Selected Spring Seminars	7 Hours

### **New Business:**

The Board reviewed a letter from Phaedra T. Graham, in which she inquired whether an on-line course offered by Jefferson State Community College was approved by the Board. The Board requested the staff to write Ms. Graham to advise her that the course is approved.

Mr. Hamby moved, Mrs. Kennedy seconded, and the Board voted to suspend the embalmer license (EMB004223) and the funeral director license (FD004631) of Emmett H. Graham for failure to repay a student loan, until the Board receives a “Notice of Release” from the Georgia Higher Education Assistance Corporation.

The Board reviewed letters advising of changes of ownership of the following establishments:

Tom M. Wages Funeral Service, Inc., Lawrenceville, GA (Former Owner: Estate of Tom M. Wages; New Owner: Tom M. Wages Funeral Service, LLC)

Morrison Funeral Home, Pembroke, GA (Former Owner: SCI; New Owner: Rollings Funeral Service, Inc.)

Shepard Funeral Home, Folkston, GA (Former Owner: SCI; New Owner: Rollings Funeral Service, Inc.)

Harrell-Faircloth Funeral Home, Norman Park, GA (Former Owner: SCI; New Owner: Rollings Funeral Service, Inc.)

Lowe’s Funeral Home, Helena, GA (Former Owner: SCI; New Owner: Rollings Funeral Service, Inc.)

Frazier and Son Funeral Home, Rochelle, GA (Former Owner: SCI; New Owner: Rollings Funeral Service, Inc.)

Jennings Funeral Home Heritage Chapel, Rome, GA (Former Owner: SCI; New Owner: Pinnacle Funeral Service, LLC)

Jennings Oaknoll Funeral Home and Cremation Services, Rome, GA (Former Owner: SCI; New Owner: Pinnacle Funeral Service, LLC)

Parnick Jennings Funeral Home and Cremation Services, Cartersville, GA (Former Owner: SCI; New Owner: Pinnacle Funeral Service, LLC)

Roscoe Jenkins Funeral Home, Inc., Newnan, GA (Former Owner: Octavia J. Mahone; New Owner: Roscoe Jenkins Funeral Home, Inc.)

The Board reviewed a request from Jason Johnson to be allowed to take the March 21, 2007 Law & Rules exam. The Board denied the request.

There being no further business, the meeting adjourned at 4:20 p.m.

**Minutes were approved at the April 10, 2007 meeting**